

REMARKS

The Examiner rejected claims 1 and 2 under 35 U.S.C. § 101 as being drawn to the same invention as claims 43 and 44 of U.S. Patent no. 5,757,190 (hereinafter the '190 patent). Accordingly, claims 1 and 2 have been canceled. The Examiner rejected claims 3-5 under the judicially created doctrine of obviousness type double patenting, as being unpatentable in view of claims 31, 38, 41 and 42 of the '190 patent. Applicant disagrees with respect to rejection under claim 31 of the '190 patent, since claim 31 is a method claim, while claim 3 of the instant application is in apparatus form. In view of claims 38, 41 and 42 of the '190 patent, a terminal disclaimer has been provided herewith. For this reason, claims 3-5 are believed to be allowable. Dependent claims 6-20 depend either directly or indirectly from independent claim 3 and were indicated as being allowable by the Examiner, but for their dependence on a rejected base claim. These claims are now believed to be allowable insofar as claim 3 is believed to be allowable. Corrections to the drawings, described in detail above, have been made, consistent with the Examiner's comments. Accordingly, Applicant believes that all of the claims are in condition for allowance. Applicant appreciates the Examiner's consideration of the Application.

For the foregoing reasons, it is respectfully submitted that all of the Examiner's objections have been overcome and that the application is in condition for allowance. Hence, allowance of these claims and passage to issue of the application are solicited.

If the Examiner has any questions concerning this case, the Examiner is respectfully requested to contact me at the number set forth below.

Respectfully submitted,



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In the Drawings

Corrected copies of Figures 2 and 3 have been provided. In Figure 2, a second instance of reference number 30 has been changed to reference number 50. In Figure 3, reference number 50 has been added.